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June 25, 2024

**VIA ECF**

Hon. Steven I. Locke, USMJ  
United States District Court, Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11717

Re: *Hernandez, et ano v Rosso Uptown Ltd, et al*, Case No. 20-cv-04026-JMA-SIL

Dear Judge Locke:

I write in brief response to the letter from Mr. Michael Tizzano dated July 25, 2024.

Since the Defendants discharged their newly retained attorney Kevin Johnson, on January 29, 2024, they have submitted numerous letters and motions which were prepared by someone with legal knowledge. These skillfully drafted letters include six (6) motions to dismiss (ECF No. 64, 2/20/24; ECF No. 69, 3/4/2024; ECF No. 70, 3/6/2024; ECF No. 73, 4/22/2024; ECF No. 74, 4/22/2024; ECF No. 75, 4/29/2024). These letters are replete with exhibits, argument, and citations to statutes.

Defendants now insist that they cannot look up cases or statutes, and therefore write the Court concerning the “Hostility of Plaintiff’s lawyer” in yet another letter which appears to have been drafted by someone with legal expertise. The letter states, in part:

In the process of preparing for our case, I reached out to Mr. Moser seeking detailed clarification on specific elements of the summary of facts referenced in his legal arguments. However, Mr. Moser has responded in a manner that I find uncooperative and obstructive. Specifically, Mr. Moser has limited his response to merely citing cases number and legal references without providing the requested detailed information (summary of the cases) or context necessary for me to fully understand and address the issue at hand.

Mr. Tizzano states further that Plaintiffs’ counsels’ “approach not only impedes [his] ability to prepare [his] case adequately but also seems contrary to the spirit of cooperative and fair legal proceedings.”

In order to avoid burdening the Court with yet another motion, I furnished all of the cases and statutes requested by Mr. Tizzano via email to him at 1:05 PM today. I therefore respectfully request that the Defendant’s letter, to the extent it is deemed a motion, be denied as moot.

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To the extent that the Defendants are working with the assistance of counsel, I respectfully request that they provide the attorney's contact information.

Respectfully Submitted,

*Steven J. Moser*  
Steven J. Moser

CC: All counsel of record via ECF